

11-29-00

CP4/GM/16478

<b>CONTINUED PROSECUTION APPLICATION (CPA)</b> <b>REQUEST TRANSMITTAL (Large Entity)</b> Submit an original, and a duplicate for fee processing. <i>(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))</i>		Docket No. <b>#23A</b> 99,499 <input type="checkbox"/> <b>DUPLICATE</b> <small>(Check box if applicable)</small>			
First Named Inventor	Examiner	Group/Art Unit			
Tau-San Chou	D. Fox	1649			
Address to: Assistant Commissioner for Patents Box CPA Washington, D.C. 20231					
This is a request for filing a <input checked="" type="checkbox"/> continuation, or <input type="checkbox"/> divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number <u>08/903,944</u> filed on <u>July 31, 1997</u> and entitled: <b>Production Of Transgenic Poinsettia</b>					
1. <input type="checkbox"/> Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application. 2. <input checked="" type="checkbox"/> A preliminary amendment is enclosed. 3. <input type="checkbox"/> This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4). a. <input type="checkbox"/> <b>DELETE</b> the following inventor(s) named in the prior nonprovisional application:  b. <input type="checkbox"/> The inventor(s) to be deleted are set forth on a separate sheet attached hereto. 4. <input type="checkbox"/> A new power of attorney or authorization of agent is enclosed. 5. <input type="checkbox"/> An Information Disclosure Statement (IDS) is enclosed: a. <input type="checkbox"/> PTO-1449 b. <input type="checkbox"/> Copies of IDS Citations 6. <input checked="" type="checkbox"/> The fee for this application is calculated as follows:					
11/30/2000 AGOITOM 00000065 132490 08903944 01 FC:131 710.00 OP 02 FC:102 320.00 OP 03 FC:103 1620.00 OP					
<b>CLAIMS AS FILED</b>					
For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	110	- 20 =	90	x \$18.00	\$1,620.00
Indep. Claims	7	- 3 =	4	x \$78.00	\$312.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>BASIC FEE</b>					\$690.00
<b>TOTAL FILING FEE</b>					\$2,622.00

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

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7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No.

- ☒ fees required under 37 C.F.R. 1.16.
- ☒ fees required under 37 C.F.R. 1.17.
- ☒ fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of \$2,622.00 is enclosed.

9. ☒ Also enclosed:

Postcard; Preliminary Amendment; Biography of Dr. Pamela J. Weathers; Petition for Two Months Extension of Time; Check in the amount of \$390.00;

10. ☐ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)  
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

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NOTES

Submit an original, and a duplicate for fee processing.

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**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

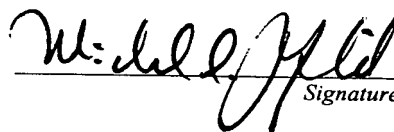
**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: November 28, 2000

  
Signature

Michael S. Greenfield

Typed or printed name

37,142

Registration Number (if applicable)

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record

cc:



#24  
Re Art 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Case No. 99,499)

PATENT

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In re Application of:

Chou *et al.*

Serial No.: 08/903,944

Filed: July 31, 1997

For: PRODUCTION OF TRANSGENIC POINSETTIA

Examiner: D. Fox

Group Art Unit: 1649

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants submit this preliminary amendment. Applicants respectfully request that this Amendment be entered prior to examination of the application on the merits. The amendments and remarks presented herein respond to the final Office Action mailed April 11, 2000.

**AMENDMENTS**

**In the claims:**

*Please cancel claim 107.*

*Please amend the claims as follows:*

sub J1  
FI  
(Three Times Amended) A method for *in vitro* regeneration of poinsettia plants comprising:

- (a) incubating poinsettia plant tissue explants that produce reddish epidermal callus on auxin- and cytokinin-containing callus induction medium;
- (b) subculturing reddish epidermal callus to embryo induction medium comprising